

Deval L. Patrick  
Governor

Timothy P. Murray  
Lieutenant Governor

Kevin M. Burke  
Secretary

# *The Commonwealth of Massachusetts*

## *Department of Public Safety*

*Board of Building Regulations and Standards*

*One Ashburton Place, Room 1301*

*Boston, Massachusetts 02108-1618*

*Phone (617) 727-7532 Fax (617) 227-1754*

*TTY (617) 727-0019*

*[www.mass.gov/dps](http://www.mass.gov/dps)*

Thomas G. Gatzunis, P.E.  
Commissioner

Gary Moccia, P.E.  
Chairman

Alexander MacLeod, R.A.  
Vice Chairman

Robert Anderson  
Administrator

Date: September 26, 2007

Name of Appellant: Christen Foy

Service Address: 362 Pearl Street, Reading, MA, 01867

In reference to: 362 Pearl Street, Reading, MA, 01867

Docket Number: 05-427

Property Address: 362 Pearl Street, Reading, MA, 01867

Date of Hearing: 06-14-07

We are pleased to enclose a copy of the decision relative to the above case wherein certain variances from the State Building Code had been requested.

Sincerely:

STATE BUILDING CODE APPEALS BOARD

  
Patricia Barry, Clerk

cc: State Building Code Appeals Board  
Building Official

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

State Building Code Appeals Board  
Docket No. 05-427

BOARD'S RULING ON APPEAL

All hearings are audio recorded. The digital recording (which is on file at the office of the Board of Building Regulations and Standards) serves as the official record of the hearing. Copies of the recording are available from the Board for a fee of \$10.00 per copy. Please make requests for copies in writing and attach a check made payable to the Commonwealth of Massachusetts for the appropriate fee. Requests may be addressed to:

Patricia Barry, Coordinator  
State Building Code Appeals Board  
BBRS/Department of Public Safety  
One Ashburton Place - Room 1301  
Boston, MA 02108

---

Christen Foy	)	
Appellant,	)	
	)	
v.	)	
	)	
Town of Reading and Glen Redmond,	)	
Appellees	)	

---

Procedural History

This matter came before the State Building Code Appeals Board ("the Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, Appellant asks the Board to grant a variance from 780 CMR, Section 3603.8 of the Massachusetts State Building Code ("MSBC") for the property of 362 Pearl Street, Reading, MA, 01867. In accordance with MGL c. 30A, §§ 10 and 11; MGL c. 143, §100; 801 CMR 1.02 et. Seq.; and 780 CMR 122.3.4, the Board convened a public hearing on June 14, 2007 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Present and representing herself was the Appellant.

**Decision:** Following testimony, and based upon relevant information provided, Board members voted as indicated below.

☐..... Granted

☐..... Denied

☐..... Rendered Interpretation

**XXX.....Granted** with conditions (see below)

☐..... Dismissed

The vote was:

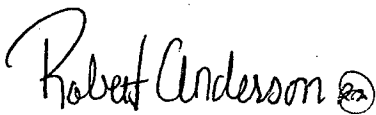
**XXX.....Unanimous**

☐..... Majority

**Reasons for Variance:**

A motion was made by Stanley Shuman to allow the variance of 780 CMR 3603.8 to allow a reduced ceiling height due to hardship as presented by the Appellant. The variance is contingent on the installation of hard-wired smoke detectors in the basement with consideration to the potential that the space may at a future time be converted to bedroom use.

**The following members voted in the above manner**



Chairman -Robert Anderson




Stanley Shuman



Dana Haagenen

A complete administrative record is on file at the office of the Board of Building Regulations and Standards.

A true copy attest, dated: September 26, 2007

  
Patricia Barry, Clerk

Any person aggrieved by a decision of the State Building Code Appeals Board may appeal to a court of competent jurisdiction in accordance with Chapter 30A, Section 14 of the Massachusetts General Laws.